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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,936	04/14/2000	Eiji Tsuchiya	1341.1043/JDH	9110

21171 7590 09/11/2002

STAAS & HALSEY LLP  
700 11TH STREET, NW  
SUITE 500  
WASHINGTON, DC 20001

EXAMINER

BACHNER, REBECCA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/549,936

Applicant(s)

TSUCHIYA ET AL.

Examiner

Rebecca M Bachner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- SMO a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Detailed Action***

This is a first office action on the merit. Claims 1-11 are pending.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, and 8-10, are rejected under 35 U.S.C. 102(e) as being anticipated by Worthington (U.S. P.N. 6,442,527).

As per claim 1, Worthington discloses an automatic planning apparatus, which automatic planning apparatus is connected through a network to at least one client, which client is operated by the user, said automatic apparatus comprising:

A questionnaire unit which creates and provides a questionnaire for analyzing the user through said network (see column 3, lines 61-67, the modules are questionnaire units that create and provide a questionnaire for analyzing the user);

An analysis unit which receives the answers to the questionnaire and analyzes the user based on a predetermine analysis method by considering the answers (see column 6, lines 27-32, the analysis unit receives the user's answers to the questionnaire and analyzes them);

An input unit for inputting the initial conditions required for executing the planning of an event desired by the user (see figure 2, column 2, lines 48-60, and column 6, lines 8-12, and 18-23, the user inputs the conditions regarding the event);

A planning unit for forming a schedule for the preparation and execution of the event based on the initial input conditions and analyzing by said analysis unit (see figures 2-5, and column 7, lines 7-33, the calendar and schedule of the event, or events, is formed based on the questionnaire).

As per claim 2, Worthington discloses the automatic planning apparatus according to claim 1, further comprises a storage unit which stores a planning data on the event produced for each of a plurality of patterns as a classification of the user (see column 6, lines 41-53, the calendar and event information from the various modules is stored),

wherein said planning unit recognized a pattern corresponding to the user based on the analysis by said analysis unit, reads the plan data corresponding to the recognized pattern from said storage unit, and plans the schedule based the read plan data (see figures 2-5, and column 7, lines 7-33, the calendar is created based on the answers from the questionnaire).

As per claim 3, Worthington discloses the automatic planning apparatus according to claim 1, wherein said storage unit has stored therein the detailed data required by the user for preparation and execution of the event, and said planning unit supplies said detailed data in addition to the plan data in response to a request from user (see column 6, lines 41-53, the storage unit contains all the detailed activities, appointments, as well as the task list; the user can request to view any of the plan data or schedules).

As per claim 4, Worthington discloses the automatic planning apparatus according to claim 1 further comprises a management unit which manages the result of planning by said planning unit and notifies the user of the items to be processed by the user in the schedule (see column 4, lines 4-5, and 40-41, and column 6, lines 32-53, there is a management unit in the system that manages the planning and schedule; the system can remind, or notify, the user of items to be processed, or completed).

As per claim 8, Worthington discloses the automatic planning apparatus according to claim 1, wherein the event is one of various events in life, and said planning unit forms a schedule for the preparation and execution of the various events in life of the user (see column 1, lines 8-16, the automatic planning scheduler contains events in the life of the user).

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As per claim 9, Worthington discloses a computer readable medium for storing instructions, which when executed by a computer, causes the computer to perform the steps of:

Creating and providing a questionnaire to a user for analysis of the user through said network (see column 3, lines 61-67, the modules are questionnaire units that create and provide a questionnaire for analyzing the user);

Analyzing the user based on a predetermined analysis method by considering the answers to the questionnaire (see column 6, lines 27-32, the analysis unit receives the user's answers to the questionnaire and analyzes them);

Inputting initial conditions required for executing the planning for an event desired by the user (see figure 2, column 2, lines 48-60, and column 6, lines 8-12, and 18-23, the user inputs the conditions regarding the event);

Planning a schedule for the preparation and execution of the event based on the initial input conditions and the analysis of the user (see figures 2-5, and column 7, lines 7-33, the calendar and schedule of the event, or events, is formed based on the questionnaire).

As per claim 10, Worthington discloses an automatic planning apparatus with which a user can plan a desired event, said automatic planning apparatus comprising:

A display unit which displays various data (see figures 2-5, and column 5, lines 4-7, a display unit displays the various data);

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A questionnaire unit which creates a questionnaire based on which a predetermined property of the user can be analyzed, and makes said display unit display the questionnaire (see column 3, lines 61-67, the modules are questionnaire units that create and provide a questionnaire for analyzing the user);

An input with which the user can input the answers to the questionnaire and certain initial conditions required for planning and execution of the desired event (see figure 2, column 2, lines 48-60, and column 6, lines 8-12, and 18-23, the user inputs the conditions regarding the event);

An analysis unit which received the answers input by the user with respect to the questions in the questionnaire, and analyzes the predetermined property of the user based on the answers by the user and a predetermined analysis (see column 6, lines 27-32, the analysis unit receives the user's answers to the questionnaire and analyzes them); and

A planning unit which receives the initial conditions input by the user and the result of analysis of the predetermined property of the user, and creates a schedule for preparation and execution of the event based on the initial conditions and the result of analysis of the predetermined property of the user (see figures 2-5, and column 7, lines 7-33, the calendar and schedule of the event, or events, is formed based on the questionnaire).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7, and 11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Worthington (U.S. P.N. 6,442,527) in view of Huemoeller et al. (U.S. P.N. 5,855,006).

As per claim 5, Worthington discloses the automatic planning apparatus according to claim 1 and teaches storing information (see column 6, lines 41-53, the system stored all information received from the user). Worthington does not explicitly teach a receiving unit which receives the reservation from the user for any items to be reserved beforehand in the schedule. However, Huemoeller et al. discloses a personal scheduler and planner which receives a reservation and stores it (see abstract and column 1, line 66, through column 2, line 60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a receiving unit store reservations in Worthington's scheduling and planning system as it allows the system to incorporate other aspects of scheduling, such as reservations, into the planner. One would be motivated to have a receiving unit as it allows the planner to be more comprehensive.



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As per claim 6, Worthington discloses the automatic apparatus according to claim 1. Worthington does not explicitly teach the system comprising a purchase unit for receiving the request from the user for purpose of any article of any article or any service to be supplied available in the schedule. Huemoeller et al. teaches a planning and scheduling system comprising a purchase unit (see abstract, and column 10, lines 30-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to have a purchasing unit with Worthington's planning system as it is often necessary to buy tickets, invitations, or other purchases when planning an event. Therefore, one of ordinary skill in the art would have been motivated to have a purchasing unit as it allows Worthington's system to be more comprehensive and versatile by allowing the user to purchase items as needed for the event.

As per claim 7, Worthington discloses the automatic apparatus according to claim 6. Worthington does not explicitly teach a system comprising a payment unit for receiving the on-line payment of the charge which may accrue for the purchase of the article or service. However, Huemoeller et al. teaches a planning and scheduling system comprising a payment unit (see abstract, and column 10, lines 30-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to have a payment unit with Worthington's planning system as it is necessary to record the payments made by the system when planning an event. Therefore, one of ordinary skill in the art would have been motivated to have a payment unit as it allows Worthington's

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system to be more comprehensive by tracking the online payment information for the user.

As per claim 11, Worthington discloses the automatic planning apparatus according to claim 10, wherein at least said display unit and said input unit are provided with a client (see figures 2-5, and column 5, lines 4-7, and 34-47, a display unit displays the various data and the client inputs the data). Worthington does not explicitly disclose that said client is connected with the rest of the units through a server. However, Huemoeller et al. discloses a client that is connected with the rest of the units through a server (see column 3, lines 59, through column 4, line 16). It would have been obvious for one of ordinary skill in the art at the time of the invention to have Worthington's client unit interact with other units as it allows the system greater flexibility in planning for an event.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Boe et al. (U.S. P.N. 6,236,975) discloses a system and method that uses a customer questionnaire.

Edstrom et al. (U.S. P.N. 5,233,533) discloses a scheduling method and apparatus using the Internet and allows the user to purchase and pay for items through the system.

Tatham et al. (U.S. P.N. 6,223,177) discloses a scheduling system on a network.

"Damgaard's New Axpata Version 2.0 Highlights E-commerce, Project and Warehouse Management; COM, OLAP, and Three-Tier Client-Server Also Added" discloses a scheduler for project management.

Matt Kramer in "Groupware cuts Overhear for Impromptu Assignments" discloses a calendar and activity planner.

Doug Dayton in "New Lotus Agenda 2.0 Stresses Ease of Learning, Productivity" discloses an activities planner.

Weddingsoft.com discloses planning a wedding using a computer system that analyzes the information to determine tasks and events that need to occur.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rebecca Bachner** whose telephone number is 703-305-1872. The examiner can normally be reached on Monday - Friday from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tariq Hafiz** can be reached on **(703)305-9643**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

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***Washington D.C. 20231***

or faxed to:

**(703) 305-7687**      Official communications; including After Final  
communications labeled "Box AF"

**(703) 746-7306**      Informal/Draft communications, labeled "PROPOSED" or "  
DRAFT"

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

*RMB*

RMB

September 5, 2002

*Susanna Diaz*

Susanna Diaz  
Patent Examiner  
Art Unit 3623